

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

REALTIME DATA, LLC d/b/a IXO,

Plaintiff,

vs.

MORGAN STANLEY, ET AL.,

Defendants.

Case No. 1:11-cv-6696-KBF

1:11-cv-6701-KBF

1:11-cv-6704-KBF

JURY TRIAL DEMANDED

ECF Case

**NOTICE OF JOINDER TO EXCHANGE DEFENDANTS' REPLY IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT FOR FAILURE TO
COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT
(DOCKET NO. 603 IN CASE NO. 1:11-CV-6697)**

Defendants The Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., Morgan Stanley, Morgan Stanley & Co, Incorporated, Credit Suisse Holdings (USA), Inc., Credit Suisse Securities (USA) LLC, BNY ConvergeEx Group LLC, BNY ConvergeEx Execution Solutions LLC, HSBC Bank USA, N.A., and HSBC Securities (USA), Inc. (collectively, the "Bank Defendants") respectfully join the Reply in Support of Defendants' Motion for Summary Judgment for Failure to Comply with the Written Description Requirement filed by the Exchange Defendants in *Realtime Data, LLC v. CME Group, Inc., et al.*, Consolidated Case Nos. 1:11-cv-6697 (Dkt. No. 603), 1:11-cv-6699, and 1:11-cv-6702.¹ For the

¹ The Bank Defendants understand that a similar notice of joinder will be filed by the Data Provider Defendants in *Realtime Data, LLC v. Thomson Reuters, et al.*, Consolidated Case Nos. 1:11-cv-6698, 1:11-cv-6700, and 1:11-cv-6700.

reasons presented in the Exchange Defendants' Opening Brief and Reply, the Bank Defendants respectfully request that the Court grant Defendants' Motion for Summary Judgment.

Dated: April 25, 2012

Respectfully submitted,

/s/ Daniel A. DeVito

Daniel A. DeVito
Douglas R. Nemec
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
Phone: (212) 735-3000
Fax: (917) 777-3210
Daniel.DeVito@skadden.com
Douglas.Nemec@skadden.com

Matthew D. Buchanan
Gareth DeWalt
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
525 University Avenue, Suite 1100
Palo Alto, CA 94301
Phone: (650) 470-4500
Fax: (650) 470-4570
Matthew.Buchanan@skadden.com
Gareth.Dewalt@skadden.com

Attorneys for Defendants Morgan Stanley, Morgan Stanley & Co. Incorporated, J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., The Goldman Sachs Group, Inc., Goldman, Sachs & Co., and Goldman Sachs Execution & Clearing, L.P.

By: Gregory H. Lantier (with Admission)

Gregory H. Lantier
WILMER CUTLER PICKERING HALE AND DORR LLP
1875 Pennsylvania Ave., N.W.
Washington, DC 20006
Phone: (202) 663-6327
Fax: (202) 663-6363
Gregory.Lantier@wilmerhale.com

William F. Lee
Mark G. Matuschak
WILMER CUTLER PICKERING HALE AND DORR LLP
60 State Street
Boston, MA 02109
Phone: (617) 526-5000
Fax: (617) 526-6000
William.Lee@wilmerhale.com
mark.matuschak@wilmerhale.com

*Attorneys for Credit Suisse Holdings (USA), Inc.
and Credit Suisse Securities (USA), LLC*

By: *M. Scott Fuller (with permission.)*

Edwin R. DeYoung
Roger Brian Cowie
Roy W. Hardin
M. Scott Fuller
Galyn Gafford
LOCKE LORD LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
Phone: (214) 740-8000
Fax: (214) 740-8800

Gregory T. Casamento
LOCKE LORD LLP
Three World Financial Center
New York, NY 10281-2101
Phone: (212) 415-8600
Fax: (212) 303-2754

*Attorneys for Defendants HSBC Bank USA, N.A.
and HSBC Securities (USA), Inc.*

By: *Steven Cherny (with permission.)*

Steven Cherny
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Phone: (212) 446-4965
Fax: (212) 446-4900
steven.cherny@kirkland.com

Amanda Hollis
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Phone: (312) 862-2011
Fax: (312) 862-2200
amanda.hollis@kirkland.com

***Attorneys for Defendants BNY ConvergeX Group,
LLC and BNY ConvergeX Execution Solutions,
LLC***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule 5.2 via the Court's CM/ECF system on April 25, 2012, and, as such, was served on all counsel of record.

/s/ Daniel A. DeVito

Daniel A. DeVito